



JP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KAMOTO, T. et al.

Atty. Ref.: 1114-189; Confirmation No. 6085

Appl. No. 10/665,088

TC/A.U. 1755

Filed: September 22, 2003

Examiner: FAISON, Veronica F.

For: INK COMPOSITION, RECORDING METHOD AND RECORDED IMAGE
UTILIZING THE SAME, INK SET AND INK HEAD

* * * * *

October 25, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RULE 181 PETITION

The Commissioner is requested to review the Examiner's restriction requirement in the above stated in the Office Action of July 25, 2007 for the reasons described below and instruct the Examiner to examine all of the pending claims or issue a new restriction requirement with a complete statement of the basis for any sustained restriction requirement for clarity of the record and to allow the applicants to elect subject matter for examination.

Specifically, the Commissioner is requested to review and reverse the restriction requirement and instruct the Examiner to forward a new restriction requirement, if believed necessary, which includes a proper statement of the subject matter of the claims and basis for any requirement for restriction and election.

The applicants elected the subject matter of the Examiner's Group I of the Office Action dated March 29, 2005 in the Response of April 7, 2005.

The Petition of December 18, 2006, relating to the restriction requirement was Dismissed in a Decision dated June 12, 2007 due to the fact that the restriction requirement had not been made Final and the Petition of June 12, 2007 was therefore premature.

The Examiner has made the restriction requirement Final in the Office Action of July 25, 2007 and the present Petition is therefore submitted to be timely. Review and reconsideration by the Commissioner is requested.

Specifically, the Office Action of July 25, 2007 states that an election between one of the following allegedly patentably distinct Groups of claims is required:

Group I: claims 54-70 and 75-92 "drawn to ink composition"; and

Group II: claims 71-74 and 93-96 "drawn to recording method".

As applicants respectfully submit however that

claims 54-63, 70, 75-85 and 92 are drawn to inks;

claims 64-67 and 86-89 are drawn to recording methods;

claims 68-69, 73-74, 90-91 and 95-96 are drawn to a recorded image; and

claims 71-72 and 93-94 are drawn to an ink head.

Withdrawal of claims "71-74, and 93-96, drawn to recording method", appears to be based on an incorrect definition of the claimed subject matter. The basis of the restriction requirement is not understood and clarification is requested in a further new Office Action which sets forth a properly defined restriction requirement and allows the

applicants an opportunity to make an election based on same. Moreover, if the Examiner is intending to withdraw claims to "recording methods " from consideration then presumably only claims 64-67 and 86-89, which define "recording methods", should be withdrawn and the remaining claims examined on the merits.

Issuance of a restriction requirement which completely and properly defines the claims, and affords the applicants an opportunity to make an informed election which is properly based in the Rules and practice of the MPEP, are requested. A Decision on the present Petition prior to the Examiner's next substantive Action is requested as the Decision may effect the scope of examination.

A fee is not believed to be required for consideration of the present Petition as the Petition is only being submitted due to the failure of the Examiner to clarify the record and/or provide reasonable basis for the restriction requirement. The Commissioner is authorized however by the attached cover letter to charge the undersigned's Deposit Account No. 14-1140 for any fee required for consideration of the present Petition.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
 B. J. Sadoff
 Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100